

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTEENTH DAY

(Thursday, February 17, 2011)

The Senate met at 2:35 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

The Honorable Craig Estes offered the invocation as follows:

A short reading from the Beatitudes and then a prayer by Saint Francis: When Jesus saw the crowds He went up to the mountain, and after He sat down His disciples came to Him, and then He began to speak and taught them saying: Blessed are the poor in spirit, for theirs is the kingdom of heaven. Blessed are those who mourn, for they will be comforted. Blessed are the meek, for they will inherit the Earth. Blessed are those who hunger and thirst for righteousness, for they will be filled. Blessed are the merciful, for they will receive mercy. Blessed are the pure in heart, for they will see God. Blessed are the peacemakers, for they will be called children of God. Blessed are those who are persecuted for righteousness' sake, for theirs is the kingdom of heaven. O most high, glorious God, enlighten the darkness of our heart and give us a right faith, a certain hope, a perfect love, understanding, and knowledge, O Lord, that we may carry out Your holy and true command. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

February 17, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the 334th Judicial District Court, Harris County, for a term until the next General Election and until his successor shall be duly elected and qualified:

Kenneth Wise

Humble, Texas

Judge Wise is replacing Justice Sharon McCally who vacated office.

Respectfully submitted,

/s/ Rick Perry

Governor

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate James Fowler, Lisa Marlene Derx, and Anthony Shriver of Best Buddies International.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 2:43 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 16 ON THIRD READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 16** at this time on its third reading and final passage:

CSSB 16, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

SENATE BILL 349 REREFERRED
(Motion In Writing)

Senator Eltife submitted a Motion In Writing requesting that **SB 349** be withdrawn from the Committee on Finance and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:58 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Tuesday, February 22, 2011.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

SB 7 by Nelson

Relating to strategies for and improvements in quality of health care provided through and care management in the child health plan and medical assistance programs designed to achieve healthy outcomes and efficiency.

To Committee on Health and Human Services.

SB 8 by Nelson

Relating to improving the quality and efficiency of health care.

To Committee on Health and Human Services.

SB 11 by Williams

Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To Committee on Transportation and Homeland Security.

SB 19 by Nichols

Relating to the development, financing, construction, and operation of toll projects.

To Committee on Transportation and Homeland Security.

SB 501 by West

Relating to the establishment of an interagency council for addressing disproportionality.

To Committee on Health and Human Services.

SB 502 by West

Relating to determinations of paternity; creating an offense.

To Committee on Jurisprudence.

SB 503 by Jackson

Relating to coverage for certain towing and storage expenses under a motor vehicle insurance policy.

To Committee on Business and Commerce.

SB 504 by Davis

Relating to discounted utility rates for school districts.

To Committee on Business and Commerce.

SB 505 by Williams

Relating to state financing of public transportation.

To Committee on Transportation and Homeland Security.

SB 506 by Deuell

Relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.

To Committee on Health and Human Services.

SB 507 by Deuell

Relating to the confidentiality of newborn screening information.

To Committee on Health and Human Services.

SB 508 by Lucio

Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.

To Committee on International Relations and Trade.

SB 509 by Lucio

Relating to the validation of a home-rule charter for certain municipalities.

To Committee on International Relations and Trade.

SB 510 by Van de Putte

Relating to a voluntary statewide diabetes mellitus registry.

To Committee on Health and Human Services.

SB 511 by Van de Putte

Relating to the designated doctor's examination under the workers' compensation system.

To Committee on State Affairs.

SB 512 by Hegar

Relating to the qualification of supervisors of a fresh water supply district.

To Committee on Natural Resources.

SB 513 by Ellis

Relating to the adoption and implementation of a policy by the Texas Transportation Commission providing for the accommodation of pedestrians, bicyclists, persons with disabilities, children, senior citizens, users of public transportation, movers of commercial goods, and motorists on streets and highways.

To Committee on Transportation and Homeland Security.

SB 514 by Birdwell, Duncan, Eltife, Lucio

Relating to the acquisition of land and facilities by the Texas State Technical College System.

To Committee on Higher Education.

SB 515 by Patrick

Relating to required individual health insurance coverage.

To Committee on State Affairs.

SB 516 by Patrick

Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Committee on Finance.

SB 517 by Watson

Relating to the appropriation of certain unclaimed money.

To Committee on Finance.

SB 518 by Shapiro

Relating to initiatives designed to improve performance of public school students enrolled at the sixth, seventh, and eighth grade levels.

To Committee on Education.

SB 519 by Hegar

Relating to the period during which a motion for a new trial in a criminal proceeding in a justice or municipal court must be made.

To Committee on Jurisprudence.

SB 520 by Hegar

Relating to the creation, administration, powers, and duties of a county assistance district.

To Committee on Economic Development.

SB 521 by Carona

Relating to the operation of certain managed care plans with respect to health care providers.

To Committee on State Affairs.

SB 522 by Carona

Relating to equal parenting orders in suits affecting the parent-child relationship.

To Committee on Jurisprudence.

SB 523 by Nichols

Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

To Committee on Finance.

SB 524 by Hegar

Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.

To Committee on Transportation and Homeland Security.

SB 525 by Deuell

Relating to the protection of water quality in certain bodies of water.

To Committee on Natural Resources.

SB 526 by Fraser

Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.

To Committee on Natural Resources.

SB 527 by Fraser, Estes, Harris, Nelson, Shapiro, West

Relating to air monitors in Texas Commission on Environmental Quality Regions 3 and 4 to be funded through the Texas emissions reduction plan.

To Committee on Natural Resources.

SB 528 by Huffman

Relating to meetings of the University of Houston System Board of Regents.

To Committee on Higher Education.

SB 529 by Huffman

Relating to the regulation of motor vehicle dealers, manufacturers, and distributors.

To Committee on Transportation and Homeland Security.

SB 530 by Huffman

Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Social Security Administration and to updating certain references related to the grant of that authority to other federal law enforcement personnel.

To Committee on Transportation and Homeland Security.

SB 531 by Davis

Relating to the authority of the Department of Public Safety of the State of Texas and certain local law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

To Committee on Criminal Justice.

SB 532 by Davis

Relating to a study by the Department of Family and Protective Services regarding establishing a system to identify children born to certain parents.

To Committee on Health and Human Services.

SB 533 by Davis

Relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

To Committee on Criminal Justice.

SB 534 by Davis

Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

To Committee on Transportation and Homeland Security.

SB 535 by Davis

Relating to the persons who may be prosecuted for improper relationship between educator and student.

To Committee on Criminal Justice.

SB 536 by Davis

Relating to the use of certain disciplinary management practices or behavior management techniques by peace officers employed or commissioned by school districts.

To Committee on Education.

SB 537 by Ellis, Davis

Relating to the consequences of an arrest for or conviction of certain intoxication offenses.

To Committee on Criminal Justice.

SB 538 by Nichols

Relating to transportation reinvestment zones.

To Committee on Transportation and Homeland Security.

SB 539 by Carona

Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

To Committee on Business and Commerce.

SB 540 by Van de Putte

Relating to a study of the fiscal impact of adjusting the amount of the ad valorem tax exemption to which disabled veterans and the surviving spouses and children of disabled veterans and certain members of the armed forces are entitled.

To Committee on Finance.

SB 541 by Carona

Relating to the costs associated with proceedings regarding cruelly treated animals.

To Committee on Criminal Justice.

SB 542 by Hegar

Relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

To Committee on Criminal Justice.

SB 543 by Hegar

Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

To Committee on Jurisprudence.

SB 544 by Seliger

Relating to unlawful acts against and criminal offenses involving the Medicaid program.

To Committee on Health and Human Services.

SB 545 by Seliger

Relating to employment records for law enforcement officers, including procedures to correct employment termination reports; providing an administrative penalty.

To Committee on Criminal Justice.

SB 546 by Deuell

Relating to the dispensing of certain drugs by physicians.
To Committee on Health and Human Services.

SB 547 by Deuell

Relating to provision by a health benefit plan of prescription drug coverage specified by formulary and to notice to an enrollee of a modification in a small or large employer health benefit plan.
To Committee on State Affairs.

SB 548 by Nichols, Davis, Watson

Relating to the Texas Department of Transportation's environmental review process.
To Committee on Transportation and Homeland Security.

SB 549 by Ellis, Gallegos

Relating to applications for permits issued by the Texas Commission on Environmental Quality for certain new or expanded facilities in certain low-income and minority communities.
To Committee on Natural Resources.

SB 551 by Williams

Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.
To Committee on Finance.

SB 553 by Carona

Relating to the nonrenewal of, and the assessment of premium surcharges against, certain insurance policies.
To Committee on Business and Commerce.

SB 554 by Carona

Relating to contracts between dentists and health maintenance organizations or insurers.
To Committee on State Affairs.

SB 555 by Watson

Relating to the regulation of LP-gas utility companies.
To Committee on Natural Resources.

SB 556 by Davis

Relating to a highway maintenance fee imposed in connection with the operation of overweight vehicles or vehicle combinations.
To Committee on Transportation and Homeland Security.

SB 557 by Duncan, Zaffirini

Relating to the distribution of money appropriated from the national research university fund.
To Committee on Higher Education.

SB 558 by Duncan

Relating to the Swisher Memorial Hospital District.
To Committee on Intergovernmental Relations.

SB 559 by Duncan

Relating to the Rankin County Hospital District.

To Committee on Intergovernmental Relations.

SB 560 by Van de Putte

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

To Committee on Veteran Affairs and Military Installations.

SB 561 by Wentworth

Relating to damages in an action arising out of a deficiency in the construction or repair of an improvement to real property.

To Committee on State Affairs.

SB 562 by Wentworth

Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.

To Committee on State Affairs.

SB 563 by Jackson

Relating to information regarding job matching services provided by the Texas Workforce Commission; providing a criminal penalty.

To Committee on Economic Development.

SB 564 by Uresti

Relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.

To Committee on Natural Resources.

SB 565 by Hegar

Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

To Committee on Transportation and Homeland Security.

SB 566 by Williams

Relating to the regulation of the practice of public accountancy.

To Committee on Business and Commerce.

SB 567 by Williams

Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

To Committee on State Affairs.

SB 568 by Williams

Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.

To Committee on Criminal Justice.

SB 569 by Jackson

Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

To Committee on Natural Resources.

SB 570 by Shapiro

Relating to beginning teacher induction and mentoring programs for public schools.
To Committee on Education.

SB 572 by Nichols, Gallegos, Patrick

Relating to certificates of public convenience and necessity to provide water or sewer utility service.
To Committee on Natural Resources.

SB 573 by Nichols, Gallegos, Patrick

Relating to certificates of public convenience and necessity for water or sewer services.
To Committee on Natural Resources.

SB 574 by Van de Putte

Relating to the requirement and study of insurance coverage for serious emotional disturbance of a child.
To Committee on State Affairs.

SB 575 by Van de Putte

Relating to the expansion of the Women's Health Program demonstration project and implementation of related outreach activities.
To Committee on Health and Human Services.

SB 576 by Eltife

Relating to reports filed with the comptroller regarding certain alcoholic beverage sales.
To Committee on Business and Commerce.

SB 577 by Duncan

Relating to the use of facsimile signatures for certain documents involving certain municipalities.
To Committee on Intergovernmental Relations.

SB 578 by Fraser

Relating to the testimony of children in criminal cases.
To Committee on Criminal Justice.

SB 579 by Hegar

Relating to the total benefit amount under a prepaid funeral contract.
To Committee on Business and Commerce.

SB 580 by Hegar

Relating to community assistance and economic development program activities of the Lavaca-Navidad River Authority.
To Committee on Economic Development.

SB 581 by Nichols

Relating to the authority and powers of regional mobility authorities.
To Committee on Transportation and Homeland Security.

SB 582 by Harris

Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

To Committee on Jurisprudence.

SB 583 by Nichols

Relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

To Committee on Agriculture and Rural Affairs.

SB 584 by Nichols

Relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

To Committee on Agriculture and Rural Affairs.

SB 585 by Watson

Relating to programs, services, and information related to women's health, family planning, and human sexuality.

To Committee on Health and Human Services.

SB 586 by Davis

Relating to proof that is acceptable for identifying individuals acknowledging written instruments.

To Committee on Jurisprudence.

SB 587 by Uresti

Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

To Committee on Jurisprudence.

SB 589 by Uresti

Relating to appraisal review board members.

To Committee on Intergovernmental Relations.

SB 590 by Estes

Relating to retainage under certain construction contracts.

To Committee on Business and Commerce.

SB 591 by Carona

Relating to the office of public insurance counsel's authority to initiate a hearing on or object to insurance rates or rate filings.

To Committee on Business and Commerce.

SB 592 by Williams

Relating to the powers and duties of the state auditor's office.

To Committee on State Affairs.

SB 593 by West

Relating to disproportionate disciplinary action by school districts against students of a particular race or ethnicity or students enrolled in a special education program.

To Committee on Education.

SB 594 by Van de Putte

Relating to certain procedures applicable to electronic prescriptions for Schedule II controlled substances.

To Committee on Health and Human Services.

SB 595 by Ellis

Relating to the hours of sale for liquor.

To Committee on Business and Commerce.

SB 596 by Shapiro

Relating to transition planning for a public school student receiving special education services.

To Committee on Education.

SB 597 by Shapiro

Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.

To Committee on Education.

SB 598 by Ellis

Relating to limits on the size of prekindergarten classes in public schools.

To Committee on Education.

SB 599 by Ellis

Relating to the availability of free prekindergarten programs in public schools.

To Committee on Education.

SB 600 by Rodriguez

Relating to a prohibition on law enforcement inquiries regarding the nationality or immigration status of a victim of or witness to a criminal offense.

To Committee on Criminal Justice.

SB 601 by Rodriguez

Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.

To Committee on Intergovernmental Relations.

SB 603 by Rodriguez

Relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.

To Committee on State Affairs.

SB 604 by Rodriguez

Relating to the execution of lawful process by county jailers.

To Committee on Criminal Justice.

SB 605 by Rodriguez

Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

To Committee on Jurisprudence.

SB 606 by Rodriguez

Relating to court costs imposed on conviction and deposited to the courthouse security fund.

To Committee on Criminal Justice.

SB 607 by Rodriguez

Relating to the assessment of court costs on conviction of a Class C misdemeanor in certain justice courts.

To Committee on Criminal Justice.

SB 608 by Rodriguez

Relating to the regulation of fireworks by counties; imposing a criminal penalty.

To Committee on Intergovernmental Relations.

SB 609 by Rodriguez

Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

To Committee on Intergovernmental Relations.

SB 610 by Rodriguez

Relating to the period of continuous eligibility for the medical assistance program.

To Committee on Health and Human Services.

SB 611 by Rodriguez

Relating to the child health plan program.

To Committee on Finance.

SB 612 by Rodriguez

Relating to examination requirements for certain applicants for a license to practice medicine.

To Committee on Health and Human Services.

SB 613 by Rodriguez

Relating to educational requirements for licensing as a speech-language pathologist or audiologist and to reciprocity for audiologists licensed in other states.

To Committee on Health and Human Services.

SB 614 by Rodriguez

Relating to the creation of the State Supported Living Center Realignment Commission and the residential placement of individuals with intellectual and developmental disabilities.

To Committee on Health and Human Services.

SB 615 by Rodriguez

Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.

To Committee on Transportation and Homeland Security.

SB 616 by Rodriguez

Relating to the sale or transportation of certain desert plants; providing a penalty.

To Committee on Agriculture and Rural Affairs.

SB 617 by Rodriguez

Relating to a manifest system to record the transportation of certain liquid wastes.
To Committee on Natural Resources.

SB 618 by Rodriguez

Relating to an exemption from the sales tax for certain solar energy devices.
To Committee on Finance.

SB 620 by Nelson

Relating to the reporting of health care-associated infections and preventable adverse events.
To Committee on Health and Human Services.

SB 621 by Nelson

Relating to the authorized activities of a winery permit holder.
To Committee on Business and Commerce.

SB 622 by Nelson

Relating to the privacy of protected health information and personal information; providing civil and criminal penalties.
To Committee on Health and Human Services.

SB 623 by Whitmire

Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.
To Committee on Criminal Justice.

SB 625 by Wentworth

Relating to authorizing the county clerk in certain counties to conduct a marriage ceremony and collect a related fee.
To Committee on Jurisprudence.

SB 626 by Carona

Relating to lottery winnings, including assignment of winnings, periodic payments of winnings, and the deduction of child support delinquency amounts from winnings.
To Committee on State Affairs.

SB 627 by Davis

Relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone.
To Committee on Economic Development.

SB 628 by Duncan

Relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.
To Committee on Health and Human Services.

SB 629 by Hegar

Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 630 by Hegar

Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 631 by Hinojosa

Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

To Committee on Government Organization.

SB 632 by Hinojosa

Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.

To Committee on Government Organization.

SCR 16 by Nelson, Davis, Huffman, Shapiro, Van de Putte, Zaffirini

Designating the month of March each year from 2011 through 2020 as Women Veterans Month in tribute to the immeasurable contributions that women in the military have made to this nation.

To Committee on Administration.

SJR 22 by Nichols

Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund.

To Committee on Finance.

SJR 23 by Wentworth

Proposing a constitutional amendment increasing the rates of taxes imposed on gasoline and diesel fuel, adjusting those rates annually for inflation, and dedicating certain revenue from those taxes to the design, construction, and maintenance of public roadways.

To Committee on Finance.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:20 p.m. adjourned until 11:00 a.m. Tuesday, February 22, 2011.

